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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,017	10/18/2000	Haruo Kamei	550718.077	4521
27805	7590	03/20/2006		
THOMPSON HINE L.L.P. P.O. BOX 8801 DAYTON, OH 45401-8801			EXAMINER OJINI, EZIAMARA ANTHONY	
			ART UNIT 3723	PAPER NUMBER
DATE MAILED: 03/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/691,017	KAMEI, HARUO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anthony Ojini	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7,9,11,13,14 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7,9,11,13,14 and 16-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The rejection of final office action is hereby withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7,9,14,16,17,19,22,23,27 are rejected under 35 U.S.C. 102(b) as being anticipated by Nokubi et al (6,146,247).

**With respect to claim 7**, Nokubi et al. disclose an abrasive material comprising a core (10) and a polishing layer (1), wherein the polishing layer comprises a flexible layer formed on the surface of the core and the abrasive particles (col. 3, lines 57-60), wherein the core is made of porous synthetic resin and the abrasive particle is in the form of granules (see col. 4, lines 6-9 & fig. 1).

**With respect to claim 9**, Nokubi et al. disclose wherein the flexible layer contains abrasive particles (2).

**With respect to claims 14,16,17**, Nokubi et al. disclose wherein a flexible layer comprises a synthetic resin glue (a form of emulsion adhesive), the abrasive particles are attached onto the emulsion adhesive and the emulsion adhesive is subjected to a heating and drying process; and wherein the polishing layer comprising an emulsion

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adhesive mixed with abrasive particles is applied to the core and subjected to a heating and drying process (col. 4, lines 6-15).

**With respect to claim 19**, Nokubi et al. disclose the adhesive is selected from synthetic resin (a form of rubber latex), (see col. 4, lines 4-10).

**With respect to claim 22**, Nokubi et al. disclose an abrasive material comprising a plurality of granules having an internal core and an external polishing layer, wherein the polishing layer comprises abrasive particles (2) (see fig. 1).

Nokubi et al. also disclose wherein the polishing layer comprises a flexible layer formed on the surface of the core and the abrasive, said flexible layer substantially surrounding the internal core (col. 3, lines 57-60 & fig. 1).

**With respect to claims 23, 27**, Nokubi et al. disclose wherein the core is made of porous synthetic resin (see col. 4, lines 6-9).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11,13,18, 20,21,24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nokubi et al.

**With respect to claims 11,13**, Nokubi et al. fail to disclose wherein the polishing layer comprises multiple layers.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide apparatus of Nokubi et al. with the polishing layer comprising multiple layers **so as to so as have sufficient resiliency** during polishing

**With respect to claim 18**, please refer to claims 14,16,17 above.

**With respect to claims 20,21,24**, Nokubi et al. fail to disclose the optimum range as claimed by the applicant.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide apparatus of Nokubi et al. with the optimum range as claimed by the applicant **so as to create a recess for holding therein a polishing slurry**.

**With respect to claim 25**, Nokubi et al. disclose wherein a flexible layer comprises a synthetic resin glue (a form of emulsion adhesive) (see col. 4, lines 6-11).

**With respect to claim 26**, please refer to claim 19 above.

### ***Response to Amendment***

Applicant's arguments with respect to claims 7,9,11,13,14,16-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Ojini whose telephone number is 571 272

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4492. The examiner can normally be reached on 7 to 4 Tuesday-Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272 4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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AO  
3/13/06